

DEC 06 2012

JULIA C. DUDLEY, CLERK  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DANNY LEE PEOPLES,	)	FINAL ORDER
	)	
Petitioner,	)	
	)	CASE NO. 7:11-CV-00573
v.	)	
	)	
COMMONWEALTH OF VIRGINIA,	)	By: James C. Turk
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the Motion to Dismiss (ECF No. 8) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

**ENTER:** This 6<sup>th</sup> day of December, 2012.

*[Signature]*  
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Senior United States District Judge